

By: Macias

H.B. No. 1129

Substitute the following for H.B. No. 1129:

By: Pena

C.S.H.B. No. 1129

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution and punishment of the offense of
3 criminal trespass.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 30.05(b), Penal Code, is amended by
6 adding Subdivision (8) to read as follows:

7 (8) "Residential land" means real property improved by
8 a dwelling and zoned for or otherwise authorized for single-family
9 or multifamily use.

10 SECTION 2. Section 30.05, Penal Code, is amended by
11 amending Subsections (c) and (d) and adding Subsection (k) to read
12 as follows:

13 (c) It is a defense to prosecution under this section that
14 the actor at the time of the offense was:

15 (1) a fire fighter or emergency medical services
16 personnel, as ~~[that term is]~~ defined by Section 773.003, Health and
17 Safety Code, acting in the lawful discharge of an official duty
18 under exigent circumstances; or

19 (2) a person who was:

20 (A) employed by or acting as agent for an entity
21 that had, or that the person reasonably believed had, effective
22 consent or authorization provided by law to enter the property; and

23 (B) performing a duty within the scope of that
24 employment or agency.

1 (d) An offense under Subsection (e) is a Class C misdemeanor
2 unless it is committed in a habitation or unless the actor carries a
3 deadly weapon on or about the actor's person during the commission
4 of the offense, in which event it is a Class A misdemeanor. An
5 offense under Subsection (k) is a Class C misdemeanor unless it is
6 committed in a building or habitation or unless the actor carries a
7 deadly weapon on or about the actor's person during the commission
8 of the offense, in which event it is a Class A misdemeanor. An
9 offense under Subsection (a) is a Class B misdemeanor, except that
10 the offense is a Class A misdemeanor if:

11 (1) the offense is committed:

12 (A) in a habitation or a shelter center;

13 (B) on a Superfund site; or

14 (C) on or in a critical infrastructure facility;

15 or

16 (2) the actor carries a deadly weapon on or about his
17 person during the commission of the offense.

18 (k) A person commits an offense if without express consent
19 or if without authorization provided by any law, whether in writing
20 or other form, the person:

21 (1) enters or remains on residential land of another;

22 and

23 (2) had notice that the entry was forbidden or
24 received notice to depart but failed to do so.

25 SECTION 3. (a) The change in law made by this Act applies
26 only to an offense committed on or after the effective date of this
27 Act. For purposes of this section, an offense is committed before

1 the effective date of this Act if any element of the offense occurs
2 before the effective date.

3 (b) An offense committed before the effective date of this
4 Act is covered by the law in effect when the offense was committed,
5 and the former law is continued in effect for that purpose.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2007.